

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMES WEAVER GAREY, et al.,)	
on behalf of themselves and others)	
similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	Case No.
)	1:16-CV-542-LCB-LPA
JAMES S. FARRIN, P.C. d/b/a LAW)	
OFFICES OF JAMES SCOTT FARRIN, et)	
al.,)	
Defendants.)	
)	

VIDEOTAPED DEPOSITION OF ERIC SANCHEZ
30 (b) (6) FOR JAMES S. FARRIN, P.C.
MONDAY, OCTOBER 28, 2019
RALEIGH, NORTH CAROLINA

REPORTED BY:
CANDICE GREEN
COMMISSION NO. 201424100144



UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMES WEAVER GAREY, et al.,
on behalf of themselves and others
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Plaintiffs,

vs.

JAMES S. FARRIN, P.C. d/b/a LAW
OFFICES OF JAMES SCOTT FARRIN, et
al.,

Defendants.

Case No.
1:16-CV-542-LCB-LPA

VIDEOTAPED DEPOSITION OF ERIC SANCHEZ, 30(B)(6)
FOR JAMES S. FARRIN, P.C., taken at 434 Fayetteville
Street, Suite 2800, Raleigh, North Carolina, beginning
at 9:01 a.m. and ending at 9:53 a.m., on Monday, October
28, 2019, before Candice Green, for StoryCloud.

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DEPOSTION OF ERIC SANCHEZ

MONDAY, OCTOBER 28, 2019

THE REPORTER: Good morning. We are on the record to begin the deposition of Eric Sanchez in the matter of James Weaver Garey, et al, v. James S. Farrin et al. Today's date is Monday October 28th, 2019. And the time is 9:01 a.m.

Would Counsel please identify yourselves and state whom you represent?

MR. STRADLEY: David Stradley for the Plaintiffs.

MR. BUCKLEY: Alex Buckley for Womble Bond Dickinson Defendants.

MR. LEERBERG Matt Leerberg for the remainder of the Defendants.

THE REPORTER: Thank you, Counsel. I will now swear in the witness. Please raise your right hand.

(WHEREUPON ERIC SANCHEZ was duly sworn to tell the truth, the whole truth, and nothing but the truth was examined and testified as follows:)

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DIRECT EXAMINATION

BY MR. STRADLEY

Q. Good morning, Mr. Sanchez. I'm David Stradley.

A. Good morning.

Q. We met a few minutes ago --

A. Yes, sir.

Q. -- off the record. Um, we're here today to take your deposition. I'm -- get a few preliminaries out of the way and then we'll get right into it. Hopefully we won't be here a real long time today.

A. Yes, sir.

Q. Uh, can you tell us your first name for the record, please?

A. Yes, sir, Eric Jason Sanchez.

Q. And please give us your home and your professional addresses, please.

A. Uh, home address is 105 Considine Court, Cary, North Carolina, 27519. Work address, 280 South Mangum Street, Suite 400, Durham, North Carolina, 27701.

Q. How are you currently employed?

A. I'm employed James -- by James Scott Farrin as the Chief of Staff.

Q. How long have you been in that Chief of Staff position?

1 A. Oh, that position has probably been since the
2 end of, mm, 2017ish?

3 Q. How were you employed prior to the end of
4 2017?

5 A. I worked for -- I had -- for about a year and
6 a half, I worked for a consulting company called
7 Upcycle Legal, which is owned by the -- James S.
8 Farrin P.C.

9 Q. And what did you do prior to working with
10 Upcycle Legal?

11 A. Uh, so I worked at the firm in a variety of
12 capacities since March of 2000. Um, initially I was
13 hired as the office manager and then the -- as the
14 firm grew, became, uh, Vice President and then that,
15 uh, title changed to Chief Operating Officer.

16 Q. Okay, let me, um, go through a few ground
17 rules. Have you given a deposition before?

18 A. Uh, yes, sir, personally.

19 Q. All right, um, then since this is not your
20 first rodeo, these will probably be familiar to you
21 but, um, let's just make sure we have a common
22 understanding of how we' re gonna proceed --

23 A. Yes, sir.

24 Q. -- here today. Uh, the first sort of ground
25 rule has to do with one of my shortcomings which is at

1 one point today I'm likely to ask you a question that
2 no reasonable human being can be expected to
3 understand.

4 If I do that, uh, or if for any other
5 reason, you need to hear one of my questions restated
6 or, um, repeated or anything else -- maybe your mind
7 wanders off, um, I use a strange combination of words
8 to you, any reason whatsoever, if you want to let me
9 know, I'll ask the question as many times or as many
10 ways as you need to -- me to ask it.

11 So that I
12 can -- so that you can understand it and, and answer
13 it. Uh, so if you need to hear one of my questions
14 restated or repeated will you let me know?

15 A. Yes, sir.

16 Q. All right. Um, you're doing a great job with
17 this so far but because a transcript is being created,
18 um, it's important that we know what your answers mean
19 when you make them. So if you want to say yes or no
20 to a question, please use those words as opposed to
21 shaking your head or nodding your head or saying uh-
22 huh or huh-uh.

23 That's hard for us to -- that's
24 hard for her to transcribe and us to know what you
25 meant.

1 Um, additionally, uh, I'm a pretty
2 predictable person. So you're going to know where I'm
3 going with my questions most of the time before I'm
4 through with them.

5 If you'd let me finish for the court reporter's
6 benefit, it's hard for her to take down two people
7 talking at one time. So if you'd let me finish my
8 question before you start answering, I'll do my best
9 to let you finish your answer before I ask you the
10 next question, all right?

11 A. Yes, sir.

12 Q. And, uh, I don't think we'll be here long
13 today but if you need a break all I ask is that you
14 answer a question that's -- any question that's
15 pending on the table before we take that break. Fair?

16 A. Yes, sir.

17 Q. And finally, uh, I don't intend to ask you
18 any truck questions or tricky questions. But if you
19 -- but if I ask you a question that you think is
20 tricky in any way, just stop, don't answer it and say
21 David I think that's a trick question and I'll work
22 with you to get you a question that you believe is a
23 fair question.

24 Is that a fair way to approach
25 your deposition today?

1 A. Yes, sir, I believe so.

2 Q. All right, thanks.

3 MR. LEERBERG David, um, as we've done for
4 the other depositions, we will reserve the right to
5 designate certain portions of the transcript as
6 confidential once we have it in hand.

7 MR. STRADLEY: Um, all right.
8 Have we made any progress on -- on that, um, issue
9 since we got deadlines on -- since I've got a motion
10 deadline on Thursday?

11 MR. LEERBERG Yes, and my proposal is that
12 at the conclusion of this deposition, let's me and you
13 and Brad, uh, sit down and hammer that out.

14 MR. STRADLEY: Okay. All right.

15 BY MR. STRADLEY:

16 Q. Mr. Sanchez, tell me about, if you would, your
17 duties, um, at, uh, James S. Farrin P.C., uh, well
18 let's -- let's lay a little groundwork first of all.

19 James S. Farrin P.C. does business as the Law
20 Offices of James Scott Farrin; is that correct?

21 A. Yes, sir.

22 Q. Um, uh, tell me about your job duties, um,
23 say from May of 2012 coming forward.

24

25 A. Yes, sir, so at this time the firm had grown

1 pretty significantly so there were a number of
2 non-attorney professionals and of course, uh,
3 shareholders and whatnot running practice areas.

4 So at this time I was more of kind of a senior,
5 um, I guess help desk if you will. If there was any
6 kinds of issues that would, uh, come to the floor that
7 the rank and file manager or somebody had a question
8 about doing something, I would -- I would kind of
9 rotate in and, in different capacities.

10 So it might be I would -- I would help a practice
11 area with some sort of efficiency issue that might have
12 seen me there for three weeks or -- or longer at a time.
13 Very, very, uh, fluid.

14 Q. All right. And was that, is that the case
15 sort of coming forward from May 2012 until you, um,
16 went to work with, uh, Upcycle Legal?

17 A. Yes, sir. Upcycle was just, um, it was
18 really kind of an outward facing thing for clients. It
19 was -- my role never really changed in the -- in the
20 firm.

21 Um, essentially it was the same kind of
22 thing. I -- Upcycle was a consultancy to assist law
23 firms in administration and, and that kind of thing.

24 So Farrin was essentially kind of internally,
25 we'd colloquially call it the first client. So they

1 always had kind of the most favored nation status and
2 so I would just kind of assist in whatever help that
3 would be.

4 I never, uh, ceased being a member of the
5 management team. I never ceased being a part of
6 any kind of high level discussions.

7 Q. Okay. So, uh, and, and it sounds like then
8 that's sort of the same role you fill today; is that
9 -- is that fair?

10 A. It's a little different just because there's,
11 um, the -- the Farrin firm, there's a consulting firm
12 and then there's a software company that I kind of
13 essentially have to make sure everybody's doing what
14 they need to do and I wear a slightly different hat in
15 each of those roles.

16 Q. What's the name of the software company?

17 A. Grow Path.

18 Q. And is Grow Path also owned by James S.
19 Farrin P.C.?

20 A. No -- uh, Grow Path is owned by a separate
21 entity called Forward Holdings and then I have a
22 minority equity position of .5 percent or something
23 like that.

24 Q. All right, and who owns the -- what'd you say
25 Forward Holdings? Who owns that?

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A. Uh, it's a majority of shareholders, uh, including Jim Farrin but not all of the -- not all of the James S. Farrin P.C. shareholders own Forward Holdings but Forward Holdings is wholly owned by James S. Farrin P.C. shareholders, is that makes sense?

Q. I understand.

A. Okay.

Q. I understand. We can -- we can do a Venn diagram but that would just be --

A. And I usually have to do that for people.

Q. I think I understand where you're going. Um, and does -- does Jim Farrin own a majority of Forward Holdings?

A. Yes, sir.

Q. All right and he owns a majority of James S. Farrin P.C.?

A. Yes, sir.

Q. Have -- so let's try to hammer out a term or two. Um, we'd been using the -- the phrase targeted direct mail to refer to the practice of sending, um, printed materials to individuals who have known or believed to have been involved in car wrecks or motor vehicle accidents.

Are you comfortable with that term tar -- targeted

1 direct mail, having that definition?

2 A. Uh, we would prefer informational mailings
3 but I understand what you mean.

4 Q. Okay. All right, let's -- while we're on
5 that topic, one of -- you're here today as a 30(b)(6)
6 witness --

7 A. Yes, sir.

8 Q. -- correct?

9 A. Yes, sir.

10 Q. On behalf of James S. Farrin P.C., correct?

11 A. Yes, sir.

12 Q. Who made the determination that you would
13 be the -- well, first of all are you the sole designee
14 to deal with the topics, uh, in 30(b)(6) notice?

15 A. Yes, sir.

16 Q. All right. And is the 30(b)(6) notice, uh,
17 in front of you marked as Exhibit 19?

18 (Exhibit 19 marked for identification.)

19 A. Yes, sir, it is.

20 Q. And that you reviewed that document before
21 you got here today?

22 A. Yes, sir.

23 Q. One of the topics is essentially how
24 much money you've spent on your targeted direct
25 mailing, correct?

1 A. Yes, sir.

2 Q. And so on an annual basis since about May
3 of 2012, how much has James S. Farrin P.C. spend on
4 targeted direct mail? And you can give me a range.
5 You don't have to give me a figure for every year.

6 A. Can I give you a paragraph response with the
7 number at the end of that?

8 Q. Absolutely.

9 A. Okay. So from 2012 to present, that number
10 is going to be fluid. And I think one of the -- I
11 think it's -- I think it's 14, uh, on the
12 interrogatory response, it talks about the different
13 GL.

14 So you would have a percentage of an expense,
15 of a copier expense or something that would be
16 allocated towards, uh, informational mailings or -- or
17 what have you.

18 Today as we sit here speaking, the -- the cost is
19 approximately \$150,000 a month. But that would not have
20 been the cost in 2012. It, it almost would correlate
21 based on the number of mailings that were sent out.

22 Q. Okay so we could basically take today's, um,
23 today's figure, um, and -- and equate that to \$150,000
24 and then just -- just proportion that based on the
25 number of mailings to get the -- the right number?

1 A. That would likely be reasonable. Our
2 controller's pretty sharp, I mean but, yes, I mean
3 that, that would probably be reasonable.

4 Q. That'd be a good ballpark.

5 A. It would -- pro rata or something like that,
6 yes.

7 Q. Yeah, all right. Um, it -- these
8 informational mailings as you called them, um,
9 contain, uh, a fair amount of material dedicated to
10 marketing the law firm, James S. Farrin P.C. or the
11 Law Offices of James Scott Farrin, true?

12 A. Yes, sir.

13 Q. Um, and it is safe to say that the law firm
14 would not spend \$150,000 a month, uh, sending out
15 these informational mailings as you called them, if
16 they didn't contain some marketing, uh, information,
17 true?

18 A. Uh, it's pru -- true that it probably
19 wouldn't be at that volume. I don't know that it's
20 true that the firm wouldn't send out informational
21 mailings. We have a pretty significant, um, uh,
22 altruistic endeavor where we -- we volunteer, we
23 encourage employees to do that.

24 We support different charities and that sort of
25 thing. You can do zip code mailings to kind of inform

1 about your -- your firm or something like that.

2 So I don't know if it's true that it would be
3 zero but I think it's certainly fair that it would be
4 far less than it is.

5 Q. All right. Um, all right. Um, what -- what
6 involvement have you had personally with the, um, with
7 the targeted direct mailing operation since May of
8 2012 and when I say you had personally, I mean in any
9 capacity, whether it's from you know, managing it,
10 supervising it down to actually hands-on work?

11 A. Um, personally very little. Uh, I would have
12 been, uh, if there was a question, uh, sometimes a
13 piece will be, um, submitted, uh, to ethics' counsel
14 or to the State Bar, um, uh, my opinion will be asked
15 what I think of it.

16 Over the years I've just dealt with that, that
17 kind of thing a fair amount, as you can imagine. And
18 so, uh, things like that. Uh, what do you think of
19 this piece. Um, but pretty superficial actually.

20 Q. All right. So, um, I take it then in order
21 to testify about the topics and -- in the notice,
22 particularly to be a top -- topic number one, uh, in
23 the -- the subparts A through I of number one
24 you've had to do a fair amount of preparation to
25 prepare yourself to testify about those topics; is that

1 fair?

2 A. Uh, it is fair. Yes, sir.

3 Q. What have you done to prepare to testify
4 about, um, topic number one for example?

5 A. So, I talked with the people that manage the,
6 the internal process. Um --

7 Q. Mm-hm.

8 A. -- I've, you know, toured the facility, I've
9 looked at the, the operation. Um, I have enough
10 institutional knowledge to know, um, you know where
11 things are kept, who talk to, that kind of thing.

12 Q. Anything else you've done to prepare to
13 testify about topic number one?

14 A. Mm, no, sir.

15 Q. How about for the remainder of the topics?
16 What have you done to -- to prepare to testify about
17 those?

18 A. Um, I've conferred with counsel when I had
19 questions.

20 Q. Okay. Sorry about that, got co-counsel in
21 hearing this morning and I just got -- he just called
22 me and I was trying to figure out what was going on.
23 But, I don't know, he's sick and can't make it.

24 A. Oh, sorry.

25 Q. Um --

1 MR. BUCKLEY: We can -- we can take a break if
2 you want.

3 MR. STRADLEY: Nah, I mean it's in Nashville,
4 there's nothing I can do about it.

5 MR. BUCKLEY: Oh, I reckon not.

6 MR. STRADLEY: I don't have a transporter.

7 THE WITNESS: We got a plane.

8 MR. STRADLEY: To transport.

9 BY MR. STRADLEY

10 Q. Let's then, um, sort of launch into some --
11 some of these issues.

12 What I would like to do is, um, get an
13 understanding today of the mechanics of your targeted
14 direct mail operation and by the way, when I say your,
15 I'm -- today I 'm referring to the firm James S.
16 Farrin P.C., the Law Offices of James Scott Farrin.

17 If I want your individual view of something
18 I'll try to make that clear, is that fair?

19 A. Yes, sir.

20 Q. All right. So I'd like to get an
21 overview or a, an understanding of the mechanics of
22 the targeted direct mailing operation.

23 And it's certainly possible that some of those
24 mechanics have changed over time. I don't know.
25 That's one of the things I'm going to rely on you to

1 -- to tell me today.

2 So what I would like to do is kind of
3 start by trying to put a time box around things and
4 then we can -- if we need to take it in pieces, uh,
5 time-wise, we can -- we can do that.

6 So what I'm interested in is the start date would
7 be the -- would be about May of 2012, okay? And so
8 let's start with -- with this question. Uh, has the
9 firm -- was the firm engaged in targeted direct mailing
10 in May of 2012?

11 A. Oh, yes, sir.

12 Q. And is the firm engaged in targeted direct
13 mailing today?

14 A. Yes, sir.

15 Q. Have there been any periods of time between
16 May of 2012 and today where the firm has not done
17 targeted direct mail?

18 A. No, sir.

19 Q. All right, so continuously through that
20 period?

21 A. Yes, sir.

22 Q. All right. In terms of the -- when I
23 talk about the mechanics of the operation, I'm talking
24 about everything from, um, getting the names and
25 addresses of people that you intend to mail or

1 consider mailing to, through getting information to
2 the post office, FedEx, UPS, whoever is sending, okay?

3 A. (Nods head).

4 Q. And my question to you -- and this is
5 just -- this is merely for the purpose of efficiency's
6 sake today. Is have -- have those mechanics changed
7 at all from May of 2012 through the present?

8 A. Generally speaking no.

9 Q. All right.

10 A. They're -- they're -- they're pretty amenable
11 in that sense.

12 Q. All right. So if, if I -- if I -- so I can
13 ask you how's it done and the answer's going to be the
14 same, whether we're talking about May of 2012, today
15 or sometime in between?

16 A. Yes, sir.

17 Q. Correct? All right. Um, so, um, let's start
18 with, um, the, uh, let's start at the beginning which
19 is what geographic areas has the firm sent targeted
20 direct mail to over that period of time we've been
21 talking about?

22 A. Excuse me. Uh, generally speaking, we have,
23 uh, well we do, we have a statewide subscription to
24 Digital Solutions.

25 But philosophically the firm typically sends

1 direct mail only in a areas where it also advertises
2 in TV. That's not always true but it's typically
3 true. Meaning it 's tried to do direct mail where there
4 wasn't, um, what we would refer to internally as TV
5 support.

6 But it, it's not effective.

7 Q. Okay. And do you find -- so I take it then
8 -- and I'm not trying to put words in your mouth but
9 just to -- uh, this is just sort of the way I talk
10 sometimes.

11 I take it then you've found that there's some
12 sort of a synergistic effect between the direct mail
13 and the television?

14 A. Um, oh, I think it's fair to say we believe
15 there's a synergistic effect to all forms of
16 communication like that. So internet, TV, uh, word of
17 mouth, um, mailings, uh, some firms use billboards.
18 We've used them occasionally.

19 But yes so there is that kind of synergistic
20 effect to -- to, um, a messaging component.

21 Q. Well, your internet would be available
22 anywhere, correct? Anywhere there's internet access,
23 right?

24 A. Yes, sir; yes, sir.

25 Q. But, but you're -- you've noted that a

1 particular combination of TV and letters, correct?

2 A. Um, yes, but just to be clear on the, on the
3 internet, if you have a -- a local geographic -- if
4 you have an office you're searching optimization is
5 greater with the internet and so there's greater
6 efficacy if you have that holistic package.

7 I mean it -- you, you would want an internet
8 presence where you were doing that as -- as well.

9 Q. Sure, sure.

10 A. I was just speaking specifically because that
11 was directly related to the decision to --

12 Q. And, but in term -- so in terms of there,
13 your decisions of where you actually mail letters as a
14 general proposition you've -- you have, um, tended to
15 limit your targeted direct mailing to areas where
16 you're on TV?

17 A. Yes, sir.

18 Q. All right. Now, Digital Solutions is for
19 lack of a better term, a data aggregator? Is that a
20 fair term?

21 A. That's what I understand them to be, yes, sir.

22 Q. All right. And the service they provide is
23 gathering, um, up accident reports, North Carolina
24 DMV 349 accident reports, pulling, uh, names and
25 addresses and other information off those accident

1 reports. Put them in -- putting it into spreadsheets
2 and then providing the spreadsheets and the accident
3 reports to people who subscribe.

4 Is that your understanding?

5 A. That is my understanding for some firms.
6 That's not the case with our firm.

7 Q. All right, what is the case for your firm?

8 A. Uh, we use them as a source of police
9 reports. We actually found, um, that to be a little
10 bit more efficient to do the, um, the capturing of the
11 information ourselves.

12 Q. Okay. So you're -- you're just getting, um,
13 let me -- let me ask it this way. Do you -- do you
14 receive spreadsheets from Digital Solutions?

15 A. No, sir, just police reports.

16 Q. Just police reports, all right. How does
17 that work? Tell me -- tell me mechanically how does
18 that work? You get a -- you get an e-mail? You get a
19 link? What do you -- how do you get those?

20 A. Uh, typically it's by e-mail. Sometimes
21 it'll be a zip file due to the volume of the, of the
22 police reports and it's expanded, say down, uh,
23 locally.

24 And then we'll have staff people that will
25 review the police report and put the appropriate

1 information in spreadsheets.

2 Q. All right. Um, and is that -- has that been
3 the case, uh, that you would get accident reports and
4 accident reports only from Digital Solutions, uh,
5 since May of 2012?

6 A. Um, that's probably the case, yes. I mean
7 there might have been a time where we got a
8 spreadsheet initially and recognized it, it, it did
9 not -- it, it wasn't worth taking that. So we
10 probably just said forget it, we'll do it ourselves.

11 Q. Okay. And do you, um, do you get a discount
12 for not getting the, uh, not getting the data -- the,
13 the spreadsheet or do you know?

14 A. Oh, gosh, I'm not aware of it. I doubt that
15 we're getting a discount.

16 Q. Okay, all right so you think you could be
17 getting spreadsheets for the same money you're paying
18 for the accident reports, but you don't know?

19 A. That's correct.

20 Q. Okay. Um, now in the discovery responses if
21 I -- if I recall correctly, uh, there was also a, um,
22 let me -- let me -- let me back up.

23 So is it your understanding then, that you're
24 getting a copy of every accident report generated in
25 the State of North Carolina from Digital Solutions?

1 A. No, sir, it would be just the jurisdictions
2 that we're interested in, we're not -- I mean we have
3 the ability to do that. But it would be -- that would
4 be just an incredibly insane amount of work that
5 wouldn't produce any efficiency that we would
6 otherwise gain.

7 Q. All right. And do you, um, well, so are you
8 getting the accident -- you've got a statewide
9 subscription.

10 A. Excuse me, yes, sir.

11 Q. Are you getting the -- well, uh, let me back
12 up. You get either a -- a -- a PDF file or a zip file
13 which contains a PDF file?

14 A. Yes. That would be one big PDF with 15 or 20
15 or 50 different -- I mean I've seen them pretty
16 significant. Or if there was some sort of a
17 bounce-back, we had a period of time where our e-mail
18 server would reject files that were too large and so
19 it had to be zip.

20 But it's essentially the same document, big giant
21 PDF.

22 Q. Big giant PDF.

23 A. Not like 15 individual ones.

24 Q. Are you -- are you receiving the -- since
25 you've got a statewide subscription, are you receiving

1 the PDFs for the entire state?

2 A. No, sir.

3 Q. All right. What are you receiving?

4 A. So it's typically, for example, we would be
5 at Charlotte, State Highway Patrol, those would be
6 two major jurisdictions that we would be receiving
7 information on from, uh, Digital Solutions on. It's
8 more efficient to go for the State Highway Patrol with
9 Dig -- Digital Solutions than to go to 50 different
10 counties or, you know, whatever.

11 Q. All right, um, what other places are you
12 receiving, um, accident reports from Digital Solutions?

13 A. That would probably be ad hoc depending
14 on if we had a difficulty getting to a particular
15 location, um, sometimes we send somebody to a place
16 and we can't get them for, you know, they're sick or
17 PTO or something like that, you might use them for that.

18 Q. All right.

19 A. Kind of a one-off thing.

20 Q. All right so you're using Digital Solutions
21 on a regular basis only for Charlotte, um, the
22 Charlotte geographic area and the State Highway Patrol?

23 A. Uh, yes, sir, I believe that's accurate.

24 Q. All right, you're not just sending to people
25 who were involved in, uh, wrecks in Charlotte or

1 investigated by the State Highway Patrol, you're not
2 just sending targeted direct mail to those folks, are
3 you?

4 A. Oh, no, sir. No, that -- I'm just --

5 Q. Yeah.

6 A. -- speaking about Digital Solutions.

7 Q. Yeah. Where else are you getting, um,
8 information from?

9 A. So typically we do it in four -- four ways.
10 Digital Solution would be one of them.

11 Q. Mm-hm.

12 A. Another would be that we would send people
13 locally to the LEA's, uh, local by the way, I mean to
14 the triangle. So it's not logistically onerous to do
15 that.

16 Um, and I think --

17 Q. Which LEAs are those?

18 A. Uh, they should be listed -- I don't have it
19 in front of me but I think that they're listed in the
20 -- in the responses.

21 Q. Those are at --

22 A. Uh, the --

23 Q. -- the discovery responses are accurate?

24 A. Yes, sir.

25 Q. Okay.

1 A. Yes, sir. Um, we spent a lot of time on
2 those, yes, sir. Um, then there's four police report
3 -- or excuse me, LEAs that e-mail them to us directly.
4 I know Durham is one of them. I think those are also
5 listed in the in the responses.

6 So Digital Solutions and then, um, and then we
7 would have certain, uh, police reports that we would
8 just pull off, um, off of the publicly available
9 websites.

10 Q. And what jurisdictions are those for?

11 A. Mm, I, I believe the responses will cover --
12 will cover all of that.

13 Q. Okay.

14 A. Yeah.

15 Q. All right.

16 A. I apologize, I, I, I didn't think I could
17 memorize those.

18 Q. All right. And so then, um, once you, um, if
19 I'm understanding the process, we've gone through the
20 point -- part where you -- you acquire accident
21 reports, right? That we -- we've exhausted the -- the
22 sources of accident reports at this point in terms of --

23 A. For the informational mailings, yes, sir.

24 Q. Yeah, um, and then what do you do with the
25 accident reports once you have them?

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A. So when we get a police report, um, the staff will look at it based on the criteria, look at the contributing factors from the accident.

We're only mailing to, um, the plaintiffs. We're -- we would mail to the passengers as well. Um, typically there's, uh, uh, a property damage thresholds. Uh, generally speaking it's a -- it's \$1,000 but the individual staff would have the latitude to deviate from that.

For example we had a 1972 Volkswagen bug with \$500 of property damage, that might be enough to say there's proximate cause there, there could be an injury. We might send a piece to that and not be so rigid. But generally speaking those are -- those are the standard.

Q. Are there any particular fact scenarios, um, that you don't -- that, that you -- you -- that you eliminate from consideration from mailings?

A. We would typically not send a piece to somebody where there was a death.

Q. Okay.

A. Um, uh, obviously if there were 33s -- uh, sorry, uh, injury code, 33s on either side, we would not -- we would not typically mail to that.

Q. Okay. Um, any -- you know for example, um,

1 animals, uh, accidents involving animals, I mean any
2 -- any other criteria that you just exclude?

3 A. Mm, well, because they would be 33s probably.

4 I mean if, if not, I mean we wouldn't send it to a
5 driver and a deer just because you wouldn't sue -- you
6 couldn't sue the deer.

7 But, um, if there was a passenger we might send it
8 to that.

9 Q. Okay, fine.

10 A. Was that responsive, sir?

11 Q. Yes, mm-hm.

12 A. Okay.

13 Q. But no other categories of -- other than --
14 other than situations where, um, a person is
15 contributorily negligent, um, or deaths, no other
16 categorical exclusions?

17 A. You know if an employee was at fault in an
18 accident and we -- we would know about that, we
19 probably wouldn't send it to -- to that but I mean
20 it's so infrequent. It might've happened five times
21 that I can think of.

22 Q. Okay.

23 A. But --

24 Q. Um, the data that you -- all right so
25 somebody is actually looking at the accident report

1 and making a determination as to whether to mail that
2 person, correct?

3 A. Yes, sir.

4 Q. And if -- I assume then that you don't code
5 the data for everybody involved in that accident. You
6 just code the data for people that you -- you are
7 going to mail to; is that fair?

8 A. Sir, when you say code, what do you mean?

9 Q. Well, uh, at some point the, the information
10 on the accident report, you know, somebody's name and
11 address has got to get from the accident report onto a
12 mailing or onto an address label, right?

13 A. Yes, sir, it goes into a spreadsheet.

14 Q. Yeah.

15 A. Yes.

16 Q. And so when I say code, I mean put it into a
17 spreadsheet.

18 A. Oh, I see, okay, yes, sir.

19 Q. Um, and so when you, um, I assume you don't
20 put every -- everything off the -- everybody off the
21 accident report in the spreadsheet, do you? You just
22 put the people who are going to be candidates for
23 getting mail; is that true?

24 A. Yes, sir. It's also true that if there are,
25 uh, multiple people of the same family, it would be --

1 it would be oh a single line in the, in the
2 spreadsheet the, the X family or the Y family and it
3 -- we would send it there.

4 So children you know or, you know, an adult
5 passenger, something like that.

6 Q. All right. The -- what happens once you've
7 -- well, let me ask you this.

8 What information do you code in the spreadsheet?

9 A. So there are approximately 32 columns. And
10 it ran -- runs the gamut from, uh, the date that it
11 was entered to a salutation, um, the address, um,
12 could be an injury code, could be gender, could be the
13 piece type, um, the LEA, a source, although the source
14 is pretty loose but the source -- so, uh, internet or
15 you know taking online or Digital Solutions might be
16 coded with like an I and it would mean just internet,
17 if it came from the internet.

18 But there's a large -- a large number and not
19 every -- not every police report will have the
20 information that would go in the corresponding column.

21 So said another way, not every police report
22 would yield 32 columns of information if that -- if
23 that makes sense.

24 Q. Yeah, give me an example of, of say something
25 that that there's a column for but might not be on a

1 police report.

2 A. Uh, sure, um, well, uh, quite honestly the
3 number one reason would be human error. They just --
4 just didn't put it in there.

5 The other thing is that, um, this is one thing
6 to note to an earlier question. The, the spreadsheets
7 almost certainly add a column from 2012 to 2016 or
8 excuse me, 2019. Um, just because they decided to get
9 more information.

10 So it might be, um, for example on that
11 spreadsheet, um, if the person -- and this is
12 relatively recent, the person was on -- person
13 could be discovered on Facebook for example, they
14 might -- they might have a Facebook ad targeted to
15 them as well, something like that.

16 But that wouldn't have happened in 2000 --
17 wouldn't have happened in 2016 or for -- or earlier.

18 Q. All right. You're aware that, um, one of
19 the fields on a -- on an accident report for a driver
20 is whether the driver's -- is -- there's a checkbox for
21 whether the driver's, uh, address matches -- his --
22 his address on the accident report is the same as his
23 address on the driver's license.

24 You're aware of that?

25 A. Uh, yes, sir.

1 Q. Um, is that one of the fields that your firm
2 codes?

3 A. No, sir.

4 Q. Okay. Once the data is coded, um, what
5 happens next?

6 A. So then then the -- once it's -- so there's a
7 piece selection as well, is one of the columns. So
8 it's not a once-size-fits-all.

9 So if you're in a motorcycle accident, you'd get
10 a motorcycle piece. If you were in a -- if there was
11 an aggravator like a drunk driver or something you'd
12 get a piece that was more focused to that.

13 So it's fairly sophisticated in that regard.
14 And then there'll be just a monster kind of mail merge
15 of -- of labels that would just go outside of the, of
16 the envelope. You'd match up the police report and you'd
17 send the piece out, the staff would.

18 Q. All right. Um, and you don't send
19 everybody's piece by mail, true?

20 A. Uh, yes, sir, that is accurate.

21 Q. Um, the, the, the cases that you believe are
22 -- for lack of better term, bigger cases, you may send
23 by FedEx or some sort of accelerated delivery method,
24 true?

25 A. Yes, sir. If they have a significant injury

1 they would be more likely than not to get a FedEx
2 delivery instead of a -- a mail delivery, yes, yes.

3 Q. And those people who get a FedEx delivery, do
4 they, um, also get a, um, um, more extensive package
5 than say somebody who was, um, hit at the -- at -- at
6 a red light who has a five injury code or no injury on
7 their accident report?

8 A. I don't believe so.

9 Q. You believe everybody gets the same package?

10 A. Yes, sir. Yes, sir.

11 Q. All right.

12 A. Uh, I mean, you know whatever the piece type,
13 the -- the motorcycle guy will get a motorcycle piece.
14 Drunk driver will get a drunk driver piece. It's not
15 like there's a super drunk driver piece or a super
16 motorcycle piece.

17 Q. Well let me ask you this. Uh, is there a
18 tractor trailer piece? Or a commercial vehicle piece?

19 A. I don't believe there is a tractor trailer
20 piece. I believe it would be a serious accident piece.

21 Q. Okay. But let me ask you this, is the serious
22 accident piece different from the say non-serious
23 accident piece?

24 A. Yes, sir.

25 Q. And the serious accident piece is

1 considerably more extensive than the non-serious
2 accident piece, true?

3 A. Probably is additional content. I don't --
4 wouldn't say it's significant but there might be
5 additional content.

6 Q. Okay.

7 A. I'd have to review that piece if you have --
8 to -- thorough answer.

9 Q. Um, it sounds like then all of this is done
10 in-house; is that true?

11 A. Yes, sir.

12 Q. All employees of James S. Farrin P.C. are
13 doing this --

14 A. Yes, sir.

15 Q. -- direct mailing operation?

16 A. Yes, sir.

17 Q. And, um, is it, um, are you using some sort
18 of bulk mail software or something to optimize your
19 postage rates and things of that nature?

20 A. Um, actually not, no.

21 Q. All right.

22 A. I -- that's kind of embarrassed, but no --

23 Q. You get so familiar to -

24 A. Yeah. It just might.

25 Q. Now, the purpose for going out and,

1 uh, and you -- these four methods for getting accident
2 reports, Digital Solutions, going to the Law
3 Enforcement Agencies, getting e-mails from Law
4 Enforcement Agencies and then, um, then this sort of
5 fourth method where you go pull reports from certain
6 agencies, um, you're doing all that for the purpose of
7 turning it into a mail piece, true?

8 A. Yes, sir. Well, I -- one second. Would
9 anybody mind if I just take a quick break just to get
10 some water? I took some --

11 Q. Absolutely.

12 A. -- cold medicine today and so it's --

13 Q. Absolutely.

14 A. -- it's -- dry and --

15 Q. Take your -- take your time. Absolutely,
16 we'll go off the record.

17 THE REPORTER: We are now off the record. The
18 time is 9:38 a.m.

19 (OFF THE RECORD)

20 THE REPORTER: We are now back on the record.
21 The time is 9:41 a.m.

22 BY MR. STRADLEY:

23 Q. All right. Once the mail merge is complete,
24 what happens to the spreadsheets?

25 A. So, uh, the people who are in the field will

1 keep the spreadsheet locally and the people in the
2 office will typically work off of, uh, their own
3 spreadsheet and then they're, for lack of a better
4 word, ginned up and put into one master spreadsheet.

5 That spreadsheet, um, Microsoft has a limit on
6 the size of a spreadsheet. Typically it's -- they say
7 it's two gig but it never works out that way because
8 the data gets so difficult to manage when it's so long.

9 And so we'll have to break them up into time
10 that we -- we archive all of them. We have all of the
11 information but it would be like, you know, May 12th
12 to some weird, like June 14, 2014 or something like
13 that.

14 But all of them should align.

15 Q. All right, in other words where, one -- one
16 will take up where the last one left off?

17 A. Yes, sir.

18 Q. All right.

19 A. You could not have all of that data in one
20 spreadsheet.

21 Q. Sure, sure. And do you have them all the way
22 back to May of 2012?

23 A. Yes, sir.

24 Q. Okay. Is it fair to say that, um, of the,
25 um, Law Enforcement Agencies from which you are

1 gathering accident reports, um, that you would have
2 gathered all the accident reports that were made
3 available by each Law Enforcement Agency from November
4 -- or excuse me, from May of 2012 through today?

5 A. Some people might have tried to do a review
6 and then scanned as they reviewed them. So if you had
7 say 50, uh LEA X and you look and you say oh, F all, F
8 all, F all, F all, no, scan them all.

9 Some people might've said hey, there's a stack and
10 put them in there so it, it likely would be
11 inconsistent.

12 Q. All right. You say some people might have,
13 uh, well, these people who are doing this are agents,
14 employees of James Scott Farrin P.C.?

15 A. Oh they're -- sorry, I'm sorry. Uh, yes,
16 sir, they're employees --

17 Q. Yes.

18 A. -- sir.

19 Q. Okay so some -- some employee of James S.
20 Farrin P.C. would have gotten every accident report
21 from every Law Enforcement Agency from which you
22 harvest accident reports from May of 2012 through
23 today?

24 A. Oh, uh, I'm sorry, I was not clear. Uh, they
25 would've had like specific, uh, employee X would've

1 gone to LEA one, two, three. Employee Y would've gone
2 to four, five, six.

3 So in the -- in their universe, because it all
4 comes out in the wash. If there was 15 names that would
5 be entered onto a spreadsheet, whether they scanned them
6 all or not, it was only 15 names that had gone on the
7 spreadsheet because that's all we would mail to.

8 Q. Right.

9 A. We did not index things we didn't mail to do.

10 Q. All right, well let me just make sure I've,
11 I've got an un -- an understanding of what happened.

12 So some -- so you've given me a
13 list of -- of LEAs that -- in discovery you've given
14 me a list of LEAs that --

15 A. (Nods head).

16 Q. -- the firm got accident reports from.

17 A. Yes, sir.

18 Q. And I just want to make sure I'm clear on
19 this. Some employee of James Scott Farrin or James S.
20 Farrin P.C. would've gotten every accident report from
21 each of those Law Enforcement Agencies. Might not be
22 the same employee but an employee of --of James S.
23 Farrin P.C. would've gotten every accident report from
24 each of those Law Enforcement Agencies from May of
25 2012 through today?

1 A. Um, no. So --

2 Q. No, okay.

3 A. -- uh, so one person could not do all of that.

4 Q. I understand.

5 A. And so it would've been for their areas of
6 responsibility so it wouldn't have been all whatever
7 number it is on there.

8 Q. I -- I understand. Okay, let me ask it this
9 way. If you -- if you -- if you consider all of the
10 James S. Farrin P.C. employees sort of as a group --

11 A. Yes, sir.

12 Q. -- collective and, and consider that as the
13 firm, the firm would have gotten - - maybe not at
14 headquarters but the firm, either at headquarters or
15 via some employee would've gotten each and every
16 accident report from each of those Law Enforcement
17 Agencies listed in the discovery responses from May of
18 2012 through --

19 A. I --

20 Q. -- today?

21 A. -- I see your question. No that's probably
22 not the case because if someone was --

23 Q. Okay.

24 A. -- in one through three and they were in the
25 process -- in their -- their kind of process was that

1 they were pre-scan -- screening before they scanned
2 them, let's just -- uh, like LEA A, then we would only
3 have the ones that we were mailing to.

4 Q. And I'm not interested in the ones you
5 actually have. I'm -- I'm interested in whether
6 somebody actually --

7 A. That's, uh, yeah --

8 Q. -- if -- I, I'm interested in whether some
9 employee actually went out and picked them up and
10 looked at them, that's all I'm interested in. Whether
11 they -- they --

12 A. Oh, okay.

13 Q. -- they never transmitted them to the firm or
14 not. And, and my -- my question then is, did -- did
15 somebody with the firm, you know, pick up and look at
16 every single one of those accident reports from each
17 of the LEAs listed in discovery from May of 2012
18 through the present.

19 A. I apologize, I misunderstood. Yes, that's
20 true.

21 Q. Okay. Um, the firm is continuing to mail --
22 I think you told me earlier, correct, do targeted
23 direct mailing to people who've been involved in car
24 wrecks?

25 A. Yes, sir.

1 Q. And is it the firm's intention to continue
2 doing that absent an injunction in this case?

3 A. Yes, sir. Excuse me.

4 Q. You've provided some, uh, information on the
5 number of mailings that the firm sent over this period
6 we've been talking about in, in discovery.

7 A. Yes, sir.

8 Q. Are those accurate?

9 A. Yes, sir.

10 Q. And, um, do you know, um, roughly how many
11 pieces a month you're currently sending? I don't
12 think they come up to today. Do you know about how
13 many pieces a month you're sending?

14 A. I don't but I could get that information.

15 Q. All right. Um, is it more than, uh, 5,000
16 pieces a month?

17 A. I would assume so.

18 Q. All right, is it more than 10,000 pieces a
19 month?

20 A. Mm, that varies, that's getting close.
21 Sometimes it's less than -- I mean if you -- if you
22 look at the responses you'll see --

23 Q. Mm-hm.

24 A. -- it's kind of a flying fish. Based on
25 accident and availability of staff to go get them. So,

1 but I mean I -- that's a knowable number.

2 Q. Okay, all right, but it's north of 5,000?

3 A. I would assume so, yes.

4 Q. All right, okay. Are you aware of any, um,
5 necessary parties to this lawsuit that have not been
6 joined?

7 A. No, sir.

8 Q. Who is David Chamberlain?

9 A. David Chamberlain is the Vice President
10 of James Scott Farrin.

11 Q. Okay on the organizational chart, where is he
12 in relation to you?

13 A. Well that's a pretty good question. Uh,
14 he has day-to-day responsibility of, um, I think
15 nearly every administrative function of James Scott
16 Farrin.

17 Um, as I indicated earlier, I'm kind of
18 in an advisory thing so if issues come up that, uh,
19 maybe he -- a little bit more challenging for him or
20 he needs more, um, he -- he wants my advice, he would
21 -- he would come talk to me on.

22 But he's typically regarded as the most senior
23 non-attorney in the firm.

24 Q. Okay. Is it fair to say that, um, Jim Farrin
25 has been intimately involved with the decision to do

1 targeted direct mailing at the firm?

2 A. Um, what do you mean by intimately?

3 Q. Well, um, for example we got a lot of documents
4 that show regular meetings to discuss the direct mailing
5 operation with, with Mr. Farrin attending.

6 Is that -- uh, is that an accurate reflection
7 of his level of involvement?

8 A. Yes, sir. He meets -- that's essentially his
9 -- his style of management so if, uh, any -- in fact
10 I can't think of any, um, major, uh, group that he
11 doesn't meet with regularly, whether it's worker's
12 compensation or, you know, uh, marketing or anything
13 like that.

14 So it's probably -- it's true.

15 Q. All right. I think those are my questions,
16 thank you.

17 A. Thank you, sir.

18 MR. LEERBERG No questions.

19 MR. BUCKLEY: No questions here.

20 THE REPORTER: Okay, this concludes the deposition
21 of Eric Sanchez. The time is 9:53 a.m. We are now off
22 the record.

23

24 (Whereupon the deposition concluded at 9:53 a.m.)

25

DECLARATION UNDER PENALTY OF PERJURY

I, ERIC SANCHEZ, do hereby declare
under penalty of perjury that I have read the
foregoing testimony and the same is a true, correct,
and complete transcription of the testimony given
by me and any corrections appear on the attached
errata sheet signed by me.

EXECUTED this _____ day of _____,
20____, at _____, _____.
(City) (State)

ERIC SANCHEZ

I, ERIC SANCHEZ, do hereby certify that I have read the foregoing deposition and that, to the best of my knowledge, said deposition is true and accurate (with the exception of the following changes listed below):

[illegible]

ERIC SANCHEZ

CERTIFICATE OF REPORTER

NOTARY PUBLIC

I, CANDICE GREEN, hereby certify that
the witness in the foregoing deposition was sworn to
tell the truth, the whole truth and nothing but the
truth in the within-entitled cause by me;

That said deposition was recorded by audio by me,
a disinterested person, at the time and place therein
stated, and that the testimony of the said witness
was thereafter transcribed to typewriting, by computer;

That I am neither attorney for nor a relative or
employee of any of the parties to the action; further,
that I am not a relative or employee of any attorney
or counsel employed by the parties hereto, nor
financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand
this 28TH day of October, 2019.

CANDICE GREEN
COMMISSION NO. 201424100144

AUDIO TRANSCRIPTIONIST AFFIDAVIT

I, the undersigned, do hereby affirm: That the foregoing electronically recorded proceedings were transcribed by me to the best of my ability.

I further affirm I am neither a certified shorthand reporter or financially interested in the action, nor a relative or employee of any attorney or party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: October 28, 2019

CAROL ROBERTS